

HOUSE COMMITTEE ON LABOR

April 24, 1997 Hearing Room E

8:00 A.M. Tapes 68 - 69

MEMBERS PRESENT:

Rep. Steve Harper, Chair

Rep. Mike Fahey, Vice-Chair

Rep. Chris Beck

Rep. Dan Gardner

Rep. Bill Markham

Rep. John Minnis

Rep. Ron Sunseri

MEMBER EXCUSED:

STAFF PRESENT:

Cara Filsinger, Administrator

Linda Spaulding, Administrative Support

MEASURE/ISSUES HEARD:

HB 3499 Public Hearing

HB 3076 Public Hearing

HB 3449 Public Hearing

HB 2750 Work Session

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

Tape/#	Speaker	Comments
TAPE 68, A		
003	Chair Harper	Calls the meeting to order at 8:03 a.m.. Opens public hearing on HB 3499.

HB 3499 - PUBLIC HEARING		
010	Rep. Jim Welsh	State Representative, District 43. Introduces and summarizes HB 3499.
052	Rep. Liz VanLeeuwen	State Representative, District 37. Supports HB 3499.
063	Nick Bowers	Farmer, Harrisburg. Supports HB 3499.
082	Steve Nofziger	Supports HB 3499. Feels as a parent that if his children were asked to work long hours or was injured, he and the employer could deal with that.
103	Tiffany Sytsma	Employee of Nick Bowers. * Supports HB 3499. * Comments that her job has given her sense of responsibility and work ethic, and has enabled her to save for college. * States that kids want something to do with their time that is considered valuable.
122	Nathan Nofziger	Comments that he is 16 years old and when was 14, had trouble finding work and making money to save for college. Supports HB 3499.
133	Ryan Magnuson	Employee of Nick Bowers; Freshman at Harrisburg High School. Supports HB 3499. Currently 15 years old and would like opportunity to be able to save money for car, gas, and college.
154	David Nofziger	Supports HB 3499 and is currently saving for college.
172	Debbie Magnuson	Parent. Supports HB 3499 and feels that the state is taking responsibility for children away from parents.
216	Nick Bowers	Comments that there is no public transportation in Harrisburg and that is why the kids want cars.
227	Dave Nelson	Representing Oregon Seed Council. Supports HB 3499. Describes an average work day for kids driving combines and effects of the weather on farm work.
265	Nelson	Comments that the longest days occur during the combine season and last thirty days or less.
302	George Pugh	Grass Seed Farmer. Supports HB 3499 and says that it would help youngsters find meaningful work and learn life-long skills.

353	Don Schellenberg	Associate Director, Governmental Affairs, Oregon Farm Bureau [EXHIBIT A] . Supports HB 3499.
381	Rep. Sunseri	Asks if the Farm Bureau wants the bill as is or do they have amendments they support.
383	Schellenberg	Says that Farm Bureau supports HB 3499 as is, and has not seen amendments.
410	Mike Coon	Grass Seed Farmer, Linn County. Supports HB 3499 and says kids earn self-esteem by being able to work.
TAPE 69, A		
025	Coon	Says that he will not hire kids unless they themselves come and apply.
031	Jack Roberts	Commissioner, Oregon Bureau of Labor and Industries. Opposes HB 3499 and offers proposed amendments.
075	Roberts	Recognizes that people in agriculture believe that rules are made by "city folks" who don't understand the situation.
098	Chair Harper	Asks if the commission is better suited to make these judgments than the parents.
100	Roberts	Believes the parents should be first to make that determination, but is not convinced that all parents are involved, informed and responsible enough.
140	Irv Fletcher	President, Oregon AFL-CIO. Supports amendments. Opposes original bill as written.
166	Rep. Minnis	Comments that the bill says, "with written consent of parents." Asks if he believes that is insufficient.
168	Fletcher	Says that a lot of parents are not responsible enough.
176	Rep. Beck	Asks for explanation of Wage and Hour Commission.
185	Roberts	Explains statutes under Wage and Hour Commission.
195	Chair Harper	Asks if that is by industry or individual employer.
197	Roberts	States that permit is issued through Wage and Hour Commission, and it would be up to them as to whether they wanted permit to apply industry-wide or to specific employers.
203	Rep. Beck	Asks if permit needs to be renewed every year, and how long to get a hearing.
208	Roberts	Says that permits can be granted at a single meeting. Renewals depend on Wage and Hour Commission.
220	Rep. Fahey	Comments on language of bill and says there is no time limit.
236	Roberts	Agrees that bill does not address certain issues. States that bill just changes maximum work hours.
267	Chair Harper	Comments that proponents of HB 3499 have a lack of trust in the Wage and Hour Commission.
273	Roberts	Understands concern and explains why he disagrees.

299	Pugh	Disputes statement of Commissioner Roberts and offers to work out reasonable decision.
321	Rep. Welsh	Believes that the issue needs to be focused on.
347	Chair Harper	Asks about concern of migrant workers.
353	Roberts	States as long as statutory authority rests with Wage and Hour Commission, we need to be considerate as to when we take authority away from them.
377	Rep. Minnis	Suggests that the statute be as broad as possible and to add a provision giving Wage and Hour Commission ability to limit based on specific finding of abuse.
400	Roberts	Comments on child labor abuse history and says that children should not be employed for more than ten hours a day or six days a week.
433	Chair Harper	Suggests to Representative Welsh organize a work group to reach an agreement.
TAPE 68, B		
012	Bowers	Says that Bureau of Labor investigated his farm and found he was in violation of current statutes.
022	Rep. Fahey	Asks what the season is for grass seed.
023	Bower	States that it begins the fourth of July and goes through about the first week of August.
025	Rep. Fahey	Says that HB 3499 has no emergency clause and one would be needed.
027	Rep. Beck	Believes this bill is a good concept and hopes to be able to revisit it.
029	Chair Harper	Closes public hearing on HB 3499. Opens public hearing on HB 3076.
<u>HB 3076 - PUBLIC HEARING</u>		
042	Robert C.A. Moore	Oregon Workers' Compensation Attorney's [EXHIBIT B] . * Supports HB 3076. * Explains six parts of due process.
091	Moore	* States that in 1990 we invented reconsideration process. Explains.
130	Moore	* Says that Dictionary of Occupational Titles is 25 years old and that workers are best able to describe what their own job is. * Explains concerns of certain parts of the bill.
175	Moore	* Wants to be able to go back to "due process." * Believes due process rights should apply to insurance companies just the same as claimants.

223	Moore	* States that HB 3076 is supported by Workers' Compensation Subcommittee of Legislative Committee of Oregon State Bar.
240	Tom Mattis	Deputy Administrator, Workers' Compensation Division. * Neutral on HB 3076. * Submits written testimony of Mary Neidig, Administrator, Workers' Compensation Division [EXHIBIT C]. * Discusses reconsideration process.
286	Mattis	* Perceives three problem areas of the bill. Explains.
336	Mattis	* Recognizes concerns people have about the bill and stands ready to work with requesters and sponsors if needed.
343	Rep. Beck	Asks if there is a concern that someone may withhold information at a reconsideration hearing, and asks what kind of information someone might withhold.
361	Nancy Beaver	Assistant Manager, Dispute Resolution Section of Workers' Compensation Division. States that passage of HB 3076 would leave open the possibility of withholding information. Says that an attorney representing workers' case in a reconsideration process gets a 10% increased award and a 25% increased award at a hearing.
389	Mattis	States that if a representative of a worker would want the best case for client.
403	Rep. Beck	Asks if this was a regular problem before 1990 passage of SB 369.
407	Mattis	Says before 1990 all disputes over extent of disability were heard at hearing.
413	Rep. Fahey	Asks what would be wrong with putting new evidence in after hearing by an administrative law judge.
TAPE 69, B		
004	Mattis	Says it raises the question of "why would we have reconsideration process." States that hearing requests would go up.
020	Rep. Fahey	Asks what would preclude from just asking "do you have any other evidence," and if they did not suggest it at that time, then it would not be admissible later.
023	Mattis	Says when it comes to admissibility of evidence, does not know if they could do something by rule.
031	Beaver	Says that limitations on presenting evidence at a hearing are not set by rule.
037	Rep. Fahey	States that all he wants to know is that the injured worker has all relevant information put before person making decisions.
048	Mattis	Says that Workers' Compensation Division is trying to conform the way they do their business to the will of the legislature.
		Comments that the due process is more important than the perception

056	Rep. Fahey	of what extra costs will be.
059	Mattis	States that extra costs are not sole concern.
074	Chris Davie	SAIF Corporation [EXHIBIT D] . * Explains reasons for opposition of HB 3076. * Comments that no court has found that there is currently a lack of due process in this system. * Says that HB 3076 encourages litigation.
124	Rep. Fahey	Asks if it is possible that workers get denied access to attorneys because attorney does not want to bother with it.
128	Davie	Says there is no denial of access to attorneys. Explains improvements to SB 119 to improve opportunity for workers to present evidence during reconsideration process.
138	Rep. Fahey	Asks for average of hearing requests from written testimony.
141	Davie	Says that he obtained that information from Workers' Compensation Division and that he could try to find out.
170	Lisa Trussell	Associated Oregon Industries (AOI). Opposes HB 3076.
186	Rep. Fahey	Asks how much premium for average employer has gone down in past two years.
189	Trussell	Says she does not know but can get that information later.
204	Brad Witt	Secretary/Treasurer, Oregon AFL-CIO. Supports HB 3076 and adoption of portions of proposed amendments.
233	Diane Rosenbaum	Representing Oregon State Industrial Union Council. Says many workers unknowingly represent themselves in reconsideration process.
278	Rosenbaum	Comments on small number of people who get permanent total disability claims.
291	Kathryn Olney	Senior Trial Counsel, Liberty Northwest Insurance Corporation [EXHIBIT E] . Supports HB 3076. Offers proposed amendment.
341	Olney	Says that she is not sure whether she would support or oppose the -1 amendments [EXHIBIT F] .
350	Chair Harper	Closes public hearing on HB 3076. Opens public hearing on HB 3449.
<u>HB 3449 - PUBLIC HEARING</u>		
352	Chair Harper	Closes public hearing on HB 3449. Opens work session on HB 2750.
<u>HB 2750 - WORK SESSION</u>		

359	Cara Filsinger	Committee Administrator, reviews HB 2750. Submits proposed -1 amendments [EXHIBIT G].
375	Rep. Minnis	MOTION: Moves to ADOPT HB 2750-1 amendments dated 04/18/97.
377	Chair Harper	Without objection, the motion CARRIES.
379	Rep. Minnis	MOTION: Moves HB 2750 to the floor with a DO PASS AS AMENDED recommendation.
384		VOTE: 7-0 AYE: 7 - Beck, Fahey, Gardner, Markham, Minnis, Sunseri, Harper
390	Chair Harper	The motion CARRIES. REP. VANLEEuwEN will lead discussion on the floor.
394	Chair Harper	Closes work session on HB 2750. Adjourns at 9:54 a.m.

Transcribed By, Reviewed By,

Steve Wermuth, Cara Filsinger,

Administrative Support Administrator

EXHIBIT SUMMARY

A - HB 3499, written testimony, Don Schellenberg, 2 pp.

B - HB 3076, written testimony, Robert C. A. Moore, 2 pp.

C - HB 3076, written testimony of Mary Neidig, Tom Mattis, 1 p.

D - HB 3076, written testimony, Chris Davie, 1 p.

E - HB 3076, written testimony, M. Kathryn Olney, 1 p.

F - HB 3076, written material, Staff, 1 p.

G - HB 2750, written material, Staff, 1 p.